

OGC Has Reviewed

Approved Release 2002/01/24 : CIA-RDP81-00142R000100130021-7

OGC 77-2616
28 April 1977

R E C D

MEMORANDUM FOR : Director of Central Intelligence
VIA : Deputy Director of Central Intelligence
FROM : Anthony A. Lapham
General Counsel
SUBJECT : Impact of the Public Buildings Act on
Certain CIA Programs

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1. Action Requested: That you sign and direct the attached letters to the Chairmen of the House and Senate Appropriations Committees. The letters request the concurrence of the Chairmen in our position that funds appropriated for the Agency programs involved are available without regard to the special authorization requirements of the Public Buildings Act. Once we are in a position to certify this fact to the General Services Administration, work now being delayed can go forward.

2. Background: The Public Buildings Act provides that expenditures in excess of \$500,000 for the construction or alteration of Federal buildings be specially authorized by the Public Works Committees of the House and Senate. In excess of that amount are costs for a number of site preparation tasks which are required for installation of the computer equipment being procured for three programs improving CIA data handling capabilities (SAFE, ADSTAR and C-vault expansion). It is the position of the General Services Administration that unless the Agency can certify that the funds for these programs were appropriated without regard to the Public Buildings Act, performance of the required modifications to the CIA headquarters building must be delayed until the Public Works Committees approve these expenditures. The process of securing such approval is likely to require a year's time or possibly longer.

3. It is the Agency's position, and the opinion of this Office, that the Public Buildings Act applies only to Congressional authorization procedures prior to appropriation, and that, once appropriated, funds are available for expenditure by the Executive Branch without further requirement for authorization. GSA will accede to this view in those cases where the Congress

specifically appropriated for the project in question with an awareness that construction was involved. Because there is some uncertainty as to the degree of such awareness on the part of the Appropriations Committees when they authorized the projects in question, clarification on this point is necessary before the Agency will be in a position to certify that the funds involved were in fact appropriated without regard to the Public Buildings Act.

4. Recommendation: That the letters go forward to the Appropriations Committees and that a response be sought as indicated.

STATINTL

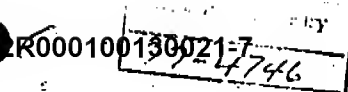
[REDACTED]
Anthony A. Lapham

Attachments

Approved

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Washington, D.C. 20505



Honorable George Mahon, Chairman
Committee on Appropriations
House of Representatives
Washington, D. C. 20515

Honorable John L. McClellan, Chairman
Committee on Appropriations
United States Senate
Washington, D. C. 20515

Dear Chairmen:

In the process of executing the Central Intelligence Agency budget for the current fiscal year, an issue has been raised by the General Services Administration the resolution of which makes coordination with your Committees appropriate.

The Agency programs in connection with which the issue arises are those referred to in Director Bush's statements before your Committees, and in the budget submissions, as SAFE, ADSTAR and the C-vault expansion, all of which involve improving the Agency's capability for data handling. In order to implement these programs, the support of GSA has been solicited in order to accomplish the requisite site preparation and the power system improvements. By way of illustration, the equipment being acquired requires subfloor cableways, special cooling provisions, and a backup power generating source. While GSA has expressed a willingness to proceed with these tasks, the question has been raised as to whether expenditures for these reimbursable items, although necessary and incidental to the implementation of the overall programs, ought to be specially authorized by the Public Works Committees as building modifications in addition to being authorized as part of the National Foreign Intelligence Budget.

It is my understanding that your Committees were aware of all significant facets of the cited programs, including the requisite site preparation, when these programs were authorized, and that the sums appropriated for them are now available for expenditure without requirement for further authorization. If I am correct in holding this view, I shall, with your concurrence, proceed to assure the General Services Administration that this is the case so that these programs may move ahead as planned.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER
Admiral, U. S. Navy